

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

PUBLIC SERVICES – Revenue Department – Ranga Reddy District – Implementation of the orders of Hon'ble A.P.Administrative Tribunal, Hyderabad in O.A.No.5526/2006 dated: 18.10.2006 in respect of Sri P.Premsagar Rao, Deputy Tahsildar, Hyderabad – Confirmation of provisional decision – Orders – Issued.

REVENUE (SER.III) DEPARTMENT

G.O.Rt.No.1204

Dated:3RD JUNE, 2008
Read the following:-

1. Govt. Memo No.49313/Ser.III(2)/2006-5, dt:10.12.07
2. Orders of Hon'ble APAT in O.A. O.A.No.5526/2006, dt: 18.10.06
3. From the Spl. C.S. & CCLA, Hyd. Lr.No.N2/3198/2003, dt: 13.2.2008.
4. From the Collector, Ranga Reddy Lr.No.A1/7817/2003, dt: 8.2.2008.

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O R D E R:-

In the reference 1st read above, Government have issued provisional orders to revise the seniority of Sri P.Premsagar Rao in the cadre of Senior Assistant on par with his junior Sri Shaik Mohammed with effect from 16.2.1984 in relaxation of Rule 23(2) of Andhra Pradesh Ministerial Service Rules, 1966 subject to issue of show cause notices to the persons likely to be affected and the objections if any, received, and examined prior to confirming the provisional decision as per the Andhra Pradesh State and Subordinate Service Rules.

2. The Hon'ble Andhra Pradesh Administrative Tribunal in its orders in O.A.No.5526/2006, dated: 18.10.2006 with a direction to the respondents to consider and pass appropriate orders on the representation of the applicant by taking into consideration the earlier orders issued in G.O.Ms.No.1104, Revenue(Ser.III) Dept., Dated: 17.6.2003 within a period of (2) months and for not complying with the said orders of Hon'ble A.P.Administrative Tribunal the individual also filed a Contempt Application No.707/2007 in O.A.No.5526/2006.

3. In the reference 3rd read above, the Special Chief Secretary and Chief Commissioner of Land Administration, A.P., Hyderabad has stated that the Collector, Rangareddy District has reported that a show cause notice was issued to (68) affected persons to file their claims and objections if any within 15 days. In response to the notice Sri S.Gopal, Tahsildar working at O/o Special Collector, Outer Ring Road, Hyderabad Urban Development Authority, Hyderabad has filed the following objections.

- 1.) The appointment of Sri V.L. Narsimha Rao and Sri P. Prem Sagar Rao, in the cadre of Jr. Asst. in R.R. District (erstwhile Hyderabad) is in violation of Presidential Order 1975 and
- (2.) There is settle seniority in the cadre of Senior Asst. in Circular No.A1/2195/38 dated: 26.6.1994 and his name is at serial no. 493 and his seniority has already been confirmed over and above Sri K.Krishnaji and requested the District Collector to reject his claim in interest of genuine seniority which is in conformity with the rules.

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4. The Collector, Ranga Reddy District further informed that required material papers have been furnished to Sri S.Gopal, Tahsildar, Outer Ring Road, Hyderabad Urban Development Authority, Hyderabad but the final objection is due from him. He has further informed that the content of objection (1) stating that the appointment in the LDC cadre of Sri P.Premsagar Rao is in violation of Presidential Order 1975 is not relevant as the proposals are with regard to relaxation of passing of Revenue Tests. With regard to the objection (2) he has cited the following ruling of Supreme Court of India reported in 1998 2 SSC 523 (B.S.BAJWA and another VS State of Punjab and others) :-

"It is well settled that in service matters the question of seniority should not be reopened in such a situation after the lapse of reasonable period because that results in disturbing the settled position which is not justifiable. There was in ordinary delay in the present case for making such grievance. This alone was sufficient to decline interference under Article 226 and to reject the writ petition".

5. The Spl. Chief Secretary and Chief Commissioner of Land Administration, A.P., Hyderabad while forwarding the report of Collector, Ranga Reddy dt: 8.2.2008 has requested the Government to relax rule 23(2) and 23(5) of A.P.Ministerial Service Rules and General Rule 33(a) of A.P. State and Subordinate Service Rules, 1996 by re-fixing the seniority of Sri P.Premsagar Rao in the cadre of Senior Assistant on par with his junior Sri Shaik Mohammed with effect from 16.2.1984.

6. Government, after careful examination of the proposal of Special Chief Secretary and the Chief Commissioner of Land Administration, A.P., Hyderabad/Collector, Ranga Reddy District hereby confirm the provisional orders issued in Govt. Memo 1st read above, for revision of seniority in the cadre of Senior Assistant in relaxation of Rule 23(2) and 23(5) of AP. Ministerial Service Rules and also G.R.33(a) of APS & SS Rules, 1996 in respect of Sri P.Premsagar Rao, Deputy Tahsildar by re-fixing the seniority in the cadre of Senior Assistant on par with his junior Sri Shaik Mohammed with effect from 16.2.1984.

7. The Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad/Collector, Ranga Reddy District shall take further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**G.SUDHIR,
PRL. SECRETARY TO GOVERNMENT**

To

The Spl. Chief Commissioner of Land Administration, A.P., Hyderabad.

The Collector, Ranga Reddy District.

The individual through Collector, Ranga Reddy District.

Copy to:

The G.P. for Rev(s), APAT, Hyderabad w.r.t. C.A.No.707/2007 in O A.No.5526/06.
Sc.

//FORWARDED :: BY ORDER//

SECTION OFFICER